

Senate Concurrent Resolution

No. 122

**Introduced by Senators De León, Correa, Hernandez, Hueso, Huff,
Lara, Lieu, Liu, Steinberg, and Torres**

(Principal coauthor: Assembly Member Fong)

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May 20, 2014

Senate Concurrent Resolution No. 122—Relative to Chinese Americans in California.

LEGISLATIVE COUNSEL'S DIGEST

SCR 122, as amended, De León. Chinese Americans in California.

This measure would acknowledge the history of the Chinese in California, recognize the contributions made to the State of California by Chinese Americans and Chinese immigrants, and apologize for past discriminatory laws and constitutional provisions that resulted in the persecution of Chinese living in California.

Fiscal committee: no.

1 WHEREAS, The California gold rush triggered one of the largest
2 mass migrations in world history and captured global imagination
3 as the destination for wealth and opportunity. That global migration
4 made California one of the world's most diverse states, which
5 would serve as the foundation for its economic, academic, and
6 cultural growth in the 20th century; and

7 WHEREAS, The California gold rush paved the way in funding
8 and manpower for the creation and building of the western leg of
9 the transcontinental railroad. The transcontinental railroad was
10 considered the greatest American technological feat of the 19th
11 century, was a dream of Abraham Lincoln's, and was what many
12 considered the most important aspect in strengthening the position
13 of the United States in the international spotlight. The track served
14 as a vital link for trade, commerce, and travel by joining east and
15 west, further transforming the population and economy of
16 California; and

17 WHEREAS, The Central Pacific portion of the transcontinental
18 railroad recruited the Chinese in America and later tens of
19 thousands of Chinese immigrants as a source of labor. Chinese in
20 America and Chinese immigrants were paid less than their white
21 counterparts and slept in tents while white laborers were provided
22 both food and shelter. The Chinese laborers worked under grueling
23 and treacherous conditions in order to lay thousands of miles of
24 track. On May 10, 1868, alone, Chinese workers laid 10 miles of
25 track in less than 12 hours in order to complete the last leg of the
26 railroad. Without the tremendous efforts and contributions of the
27 Chinese in building the transcontinental railroad, the development
28 and progress of our nation and California would have been delayed
29 by years; and

30 WHEREAS, Once the transcontinental railroad was complete,
31 Chinese in California transitioned to other types of employment,
32 making considerable contributions to the progress and growth of
33 our state. Chinese in California built ships for fishing along our
34 coast and developed the abalone and shrimp industries. In the Delta
35 and the central valley, the Chinese in California helped to recover
36 the tule swamps, to build irrigation systems, and to harvest various
37 fruits and vegetables for California's agriculture industry; and

38 WHEREAS, The Legislature enacted discriminatory laws
39 targeting Chinese in America and Chinese immigrants in order to

discourage further immigration from China and sought to severely limit the success of the Chinese laborers already here; and

WHEREAS, Among other things, these laws denied the Chinese in California the right to own land or property, the right to vote, and the right to marry a white person, denied children of Chinese descent access to public schools, denied Chinese immigrants the right to bear arms, unfairly targeted women of Chinese descent by imposing special requirements in order for them to be allowed to immigrate into the state, authorized the removal of Chinese immigrants to outside town and city limits, denied Chinese laborers employment in public works projects and through state agencies, prohibited the issuance of licenses to Chinese in California, denied Chinese in California the right to fish in California's waters, and unduly taxed Chinese businesses and individuals who employed Chinese laborers; and

WHEREAS, Chinese in California were denied the right to testify as a witness in any action or proceeding in which a white person was a party, pursuant to a state law that was upheld in *People v. Hall* (1854) 4 Cal. 399. As a result of the decision to place Chinese in California outside of the protection of the law, many Chinese in California were left extremely vulnerable to violence and abuse; and

WHEREAS, Chinese in California faced further discrimination under local ordinances that targeted traditional Chinese culture and customs. Laws were enacted forcing Chinese men in San Francisco to cut off their traditional queues, banning the Chinese traditional style of transporting fruits and vegetables, unjustly raising taxes on Chinese-owned laundromats, targeting the Chinese custom of disinterring the remains of their deceased to send back to China for proper burial, and forcing the Chinese in San Francisco to live within an area that was considered unsanitary and unsafe to ordinary individuals. These laws were enacted in order to impose shame and humiliation on Chinese Americans and Chinese immigrants; and

WHEREAS, Former Article XIX of the California Constitution, which was adopted in 1879 and unfairly targeted and discriminated against Chinese living in California, remained in effect for 73 years until it was repealed in 1952; and

WHEREAS, Despite decades of systematic, pervasive, and sustained discrimination, Chinese living in California persevered

1 and went on to make significant contributions to the growth and
2 success of our state; and

3 WHEREAS, Today, Californians of Chinese descent occupy
4 leading roles in politics, business, and academia. The contributions
5 of Chinese Americans to the State of California are vast and
6 irreplaceable. They have played a central role in turning
7 California's university system, technology industry, businesses,
8 and agriculture into a world power; now, therefore, be it

9 *Resolved, by the Senate of the State of California, the Assembly*
10 *thereof concurring*, That diversity is one of our state's greatest
11 strengths, enabling California to thrive economically, agriculturally,
12 technologically, academically, and politically at an international
13 level. Our great state has relied on immigrants of all backgrounds
14 to build our infrastructure, and integrating them into our society
15 not only helps them prosper, but helps California prosper as well;
16 and be it further

17 *Resolved*, That while this nation was founded on the principle
18 that all men are created equal, and while we pay tribute to the great
19 American creed "give me your tired, your poor, your huddled
20 masses yearning to breathe free" that stands at the base of
21 America's Statue of Liberty, a symbol of hope for all who live,
22 and all who wish to live, in the United States of America, we
23 recognize that the practices of our state and its government have
24 not always honored that promise. Ours is a state with an imperfect
25 history where intolerance spurred the enactment of unjust
26 discriminatory laws that have too often denied minority groups
27 access to the promise of America, that all men are created equal.
28 Today that struggle continues, and learning from our past will help
29 enable us to travel further down the path toward building a more
30 perfect union; and be it further

31 *Resolved*, That the Legislature apologizes for the enactment of
32 past discriminatory laws and constitutional provisions that resulted
33 in the persecution of Chinese living in California, which forced
34 them to live in fear of unjust prosecutions on baseless charges, and
35 that unfairly prevented them from earning a living. The Legislature
36 apologizes for these acts and reaffirms its commitment to
37 preserving the rights of all people and celebrating the contributions
38 that all immigrants have made to this state and nation; and be it
39 further

- 1 *Resolved*, That the Secretary of the Senate transmit copies of
- 2 this resolution to the author for appropriate distribution

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